

believes there is no relationship between claimant's accident and the present need for knee replacement.

On the other hand, the physician who claimant consulted for a second opinion, Thomas Jensen, M.D., believes the replacement is related to the September 1993 accident. Dr. Jensen believes the 1993 accident aggravated a preexisting arthritic condition in the joint.

Because it appears Dr. Hood may have a more complete history of claimant's injury at this time, for purposes of preliminary hearing only and based upon the evidence presented to date, the Appeals Board finds it is more probably true than not that the present need for left knee replacement is not related to claimant's work-related injury of September 21, 1993. Because the issue is not now before us, no finding is made nor implied whether claimant has sustained injury or aggravation after September 1993.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge Robert H. Foerschler entered in this proceeding on March 21, 1995, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Michael D. Beck, Olathe, Kansas
Jeff S. Bloskey, Kansas City, Kansas
Robert H. Foerschler, Administrative Law Judge
George Gomez, Director